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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 21
November 7, 2016

The Burlington City Council met in regular session at 5:30 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor McCampbell, Council Members Davidson, Fleming, Scott and Wilson present. The Boy Scout Troop No. 40 led the City Council in the Pledge of Allegiance.

BURLINGTON CITY COUNCIL

CONSENT AGENDA: To the Public:

All matters listed under Item I., Consent Agenda, having been discussed were considered to be routine by the City Council and were enacted by one motion. There was no separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Wilson Seconded By: Scott

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor McCampbell reviewed the items listed on the consent agenda to the viewing audience. Council Member Davidson announced those individuals appointed to various City commissions and boards. Council Member Davidson requested the removal of the Set Date for Public Hearing for Consideration of the Sale of Property Locally Known as 227 South 9th Street, City of Burlington, Iowa, with Conditions from the consent agenda for discussion at the close of the meeting. Council Member Scott requested the removal of the Set Date for Public Hearing for Consideration of the Sale of Property Locally Known as 503 Summer Street, City of Burlington, Iowa, with Conditions from the consent agenda for discussion at the close of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

HEARINGS:

1. Statement: Consideration of the Sale of Property Locally Known as 117 South 7th Street, City of Burlington, Iowa, with Conditions

COMMENTS: The Development and Parks Director stated that the property at 117 South 7th Street was a vacant lot that the City acquired. He stated that SS John & Paul Church had previously purchased 131 South 7th Street from the City and they had interest in purchasing this lot as well. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Wilson Seconded By: Davidson
Resolution Approving the Sale of Property Locally Known as 117 South 7th Street, City of Burlington, Iowa, with Conditions

DISCUSSION: None.
(VOTE: 5 - "AYES")

ADOPTED

2. Statement: Consideration of a Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa

COMMENTS: The Development and Parks Director reviewed with Council and the viewing audience the Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa. He stated that the property owners and property managers suggested that a gate be placed on the street to limit access to improve safety and security at the location. He stated that based on the concerns of snow removal, emergency access to the site and parking on site, staff does not recommend approval at this time but they are continuing to work with the applicant on other possibilities which might include an automated gate. Council Member Scott stated that based on staff recommendations he felt they should not approve the encroachment agreement. Council Member Wilson stated that she would like to see the bugs worked out before approving the agreement. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Wilson
Motion to Close

Seconded By: Scott

CARRIED

Introduced By: Wilson Seconded By: Scott
Resolution Authorizing a Permanent Encroachment Agreement with Greenway of Burlington Associates for Encroachment into Valley Street Right-of-Way at 2312 Valley Street, Burlington, Iowa

DISCUSSION: None.
(VOTE: 5 - "NAYS" McCampbell, Scott, Wilson, Davidson and Fleming)

FAILED

ORDINANCES:

Introduced By: Scott

Seconded By: Fleming

1. Motion for Final Adoption of an Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the Ordinance Amending Section 150.07 Affixing Numbers of Chapter 150 Building Numbering of the City of Burlington Municipal Code. He stated that the code section is relating to numbering on buildings and homes. He stated that the ordinance proposes that the numbers shall be a minimum of four inches high with a minimum width of 0.5 inch and must be clearly visible and readable from the street and in plain view and in contrast with the background and shall be made of durable material. He stated that this will make the city code and the fire code similar in their requirements and will also help raise awareness for property owners to put their addresses on their properties. Council Member Scott stated that he would like to stress the importance of having addresses on businesses and homes. He stated that it makes it easier for first responders, delivery drivers and others to find your address. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Scott

Seconded By: Davidson

2. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Creating Chapter 38 Tree Advisory Board of the Burlington Municipal Code

DISCUSSION: The Development and Parks Director stated that there were no changes to the Ordinance Creating Chapter 38 Tree Advisory Board of the Burlington Municipal Code from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

CARRIED

Introduced By: Scott

Seconded By: Davidson

3. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Creating Chapter 38 Tree Advisory Board of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - "AYES")

CARRIED

RESOLUTIONS:

Introduced By: Fleming

Seconded By: Davidson

1. Resolution Approving the Preliminary Plat of Sixth Addition to Stonegate Crossing Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the Preliminary Plat of Sixth Addition to Stonegate Crossing Subdivision. He stated that the City Planning Commission voted 6-0 to recommend approval with the following modifications: a cul-de-sac turnaround design shall not be required at the south end of Lawrence Drive as listed in 170.80.809 Streets; though a hammerhead turnaround design in compliance with the adopted Fire Code shall be installed as the required turnaround. He stated that the subdivision shall meet the requirements of the adopted zoning regulations, including the approved Diewold Plaza PUD and all public infrastructure shall be installed as required with adequate right-of-way and shall be approved by the City Council prior to acceptance and maintenance. Council Member Scott commended Mike Pierson for his continued development in Burlington. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Fleming

Seconded By: Wilson

2. Resolution Approving the Preliminary Plat of Arbor View Estates Subdivision

DISCUSSION: The Development and Parks Director reviewed with Council and the viewing audience the Preliminary Plat of Arbor View Estates Subdivision. He stated that this is a 23 lot subdivision located north of Sunnyside Avenue and east of Cliff Road. He stated that the City Planning Commission voted 6-0 to recommend approval with the following modifications as considered under section 170.80.105 of the Subdivision Regulations: a cul-d-sac shall be installed along the North-South planned roadway at 850 feet from the entrance off of Cliff Road, with the remaining planned right-of-way to be designated as an Outlot, reserved for future right-of-way. He stated that the construction of a home on lots 16-19 shall include a residential sprinkler system unless the adjacent roadway is connected as a through street to the north. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson

Seconded By: Fleming

3. Resolution Approving Unified Communications System with Tri-City Electric Company

DISCUSSION: The Director of Administrative Services reviewed with Council and the viewing audience the Unified Communications System with Tri-City Electric Company. She stated that the bids received were for new telecommunications city-wide to replace the current ten year old system that is at the end of its life with no support available. She stated that the bids were reviewed by the IT Steering Committee. Council Member Davidson asked what the time line was. The Director of Administrative Services stated that after approval by the city council, planning meetings would be set up and it would be a two to four month process. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson

Seconded By: Scott

4. Resolution Awarding Contract for Engineering Services for Mt. Pleasant Street Bridge

DISCUSSION: The Assistant City Manager for Public Works reviewed with Council and the viewing audience the Contract for Engineering Services for Mt. Pleasant Street Bridge. He stated that he suggested that the City Council approve the contract tonight and look at the cost of aesthetics as an option in the future. He stated that the cost for aesthetics is \$18,000.00. He stated that by adding aesthetic design to the bridge, there is an estimated 3% increase to the total cost of the bridge. He asked if the City Council would be interested in looking at aesthetic designs. Council Member Scott and Council Member Fleming stated that due to the location of the bridge they were not interested in looking at any aesthetic designs at this time. The City Manager stated that if they decided that they would like to look at the option of some aesthetic designs, they have between now and February or March, 2017 to make those decisions. Council Member Fleming asked what the time line was for construction for the project. The Assistant City Manager for Public Works stated that the time line would be 2018. Council Member Wilson asked if the design would be compatible with the complete streets program. The City Manager stated that there would be a combination bike lane/walking lane on one side of the bridge. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

SET DATE FOR PUBLIC HEARINGS: November 21, 2016

Introduced By: Davidson

Seconded By: Fleming

1. Consideration of the Sale of Property Locally Known as 503 Summer Street, City of Burlington, Iowa, with Conditions

DISCUSSION: The City Manager stated that the Consideration of the Sale of Property Locally Known as 503 Summer Street, City of Burlington, Iowa, with Conditions was removed from the consent agenda for discussion because there was a concern that a Council Member was potentially going to bid on this property. Council Member Scott asked if 503 Summer Street was the property that Southeast Iowa Regional Planning Commission was interested in. The City Manager stated that the Southeast Iowa Regional Planning Commission was interested in 227 South 9th Street. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 4 - "AYES" McCampbell, Wilson,

ADOPTED

Davidson and Fleming

1 - "ABSTAIN" Scott)

Introduced By: Davidson

Seconded By: Scott

2. Consideration of the Sale of Property Locally Known as 227 South 9th Street, City of Burlington, Iowa, with Conditions

DISCUSSION: The City Manager stated that the Consideration of the Sale of Property Locally Known as 227 South 9th Street, City of Burlington, Iowa, with Conditions was removed from the consent agenda for discussion because the Development Department needed additional time to prepare for the public hearing. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - "AYES")

ADOPTED

Introduced By: Davidson Seconded By: Scott

3. Motion to Amend the Set Date for Public Hearing for the Consideration of the Sale of Property Locally Known as 227 South 9th Street, City of Burlington, Iowa, with Conditions by Changing the Hearing Date to December 5, 2016

DISCUSSION: None.
(VOTE: 5 - "AYES")

CARRIED

COMMENTS FROM AUDIENCE: Paul Ganakes of 1013 North 8th Street stated that the Burlington Police Department has been following him for the past seven months. He stated that he has been picketing for the past three months at the Police Department and at City Hall. He stated that he is an honorably discharged Vietnam Veteran. He stated that a new group of people are following him with Lee County license plates. Mayor McCampbell urged him to stop picketing. He encouraged Paul Ganakes to reach out to each Council Member individually and to reach out to him tomorrow. Council Member Scott stated that they couldn't stop what wasn't happening and that he was not being followed. He stated that the Police Department doesn't have the manpower to spend time following him. Terry Barngrover of 516 North Plane Street stated that he and his neighbors have a problem in their neighborhood. He stated that he and his neighbors have the following problems with the residents of 1712 Agency Street: they block the alley with their vehicles, don't take care of their property, license plate swapping, siphoning gas out of a neighbor's vehicle, numerous fights and people living in a camper in the yard. He stated that they have been working with Major Grimshaw from the Police Department about their complaints. Mayor McCampbell stated that there was no easy solution and that the police department can't be everywhere. He stated that it will take an effort from both the neighborhood and the police department to get this problem resolved. The Development and Parks Director stated that a certified letter was sent to the property owner of 1712 Agency Street in early October 2016 for a municipal infraction and it was not claimed at the post office. He stated that there were approximately five nuisance abatement over the summer. The Police Chief stated that Terry Barngrover had a legitimate complaint and the residents at 1712 Agency Street have been uncooperative. He encouraged them to call the Police Department if the alley is blocked. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Adjournment: 6:35 p.m.

Approved: November 21, 2016

Katie Music, CMC
Deputy City Clerk

Shane A. McCampbell
Mayor

(See recording on file in the office of the City Clerk for complete discussion and documentation.)

ITEM I.
Consent Agenda

FINANCES AND MISCELLANEOUS

Minutes of Previous Meetings
Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTION:

1. Resolution Approving Final Acceptance, Final Payment and Release of Retention Monies for the 2015 MASL Sewer Separation, Market, Phase I

SET DATE FOR PUBLIC HEARINGS: NOVEMBER 21, 2016

1. Consideration of an Ordinance Amending Various Sections of Chapter 157, Electrical Code of the City of Burlington Municipal Code
2. Consideration of an Ordinance Amending Various Sections of Chapter 158, Plumbing Code of the City of Burlington Municipal Code
3. Consideration of an Ordinance Amending Various Sections of Chapter 170, Zoning Code of the City of Burlington Municipal Code

APPOINTMENTS:

City Planning Commission: Christine Roberts
Zoning Board of Adjustment: Conner Brakeville